

THE CITY OF SAN DIEGO, CALIFORNIA  
MINUTES FOR REGULAR COUNCIL MEETING  
OF  
MONDAY, SEPTEMBER 15, 2003  
AT 2:00 P.M.  
IN THE COUNCIL CHAMBERS - 12TH FLOOR

Table of Contents

CHRONOLOGY OF THE MEETING .....	3
ATTENDANCE DURING THE MEETING .....	3
ITEM-1: ROLL CALL .....	4
ITEM-10: INVOCATION .....	4
ITEM-20: PLEDGE OF ALLEGIANCE .....	4
ITEM-30: Scripps Institution of Oceanography 100 <sup>th</sup> Anniversary Week .....	4
* ITEM-50: Commercial Refuse Collection Hours of Operation .....	5
ITEM-60: Global Records Disposition Schedule .....	6
* ITEM-100: Sewer Easement Set-Aside on City-Owned Land - Sewer Pump Station 79 Improvements .....	7
* ITEM-101: Palm Avenue Accelerated Sewer Project - Easement Exchange .....	8
* ITEM-102: Sewer Pump Station 39 - Easement Acquisition .....	9
* ITEM-103: Resolution in Support of The Immigration Museum of New Americans .....	11
* ITEM-104: Second Amendment to Agreement Between the City of San Diego and San Dieguito River Park Joint Powers Authority .....	11
* ITEM-105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico .....	12

**Minutes of Monday, September 15, 2003**  
**Table of Contents (Continued)**

**Page 2**

* ITEM-106: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region .....	13
* ITEM-107: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) .....	13
* ITEM-108: Declaring a Continued State of Emergency due to Severe Shortage of Affordable Housing in the City .....	14
ITEM-150: <u>Two</u> actions related to Mira Mesa FY 2004 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA) .....	15
ITEM-200: <u>Two</u> actions related to Refunding of the 1994 San Diego Open Space Park Facilities District No. 1 Refunding Bonds .....	16
ITEM-250: SUBMISSION OF BALLOT PROPOSALS .....	17
* ITEM-S400: Appointments and Reappointments to the La Jolla Shores Planned District Advisory Board .....	18
ITEM-S401: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8 .....	19
ITEM-S402: Medal of Honor Recipients .....	20
* ITEM-S403: National POW/MIA Day .....	20
NON-DOCKET ITEMS .....	21
ADJOURNMENT .....	21

**CHRONOLOGY OF THE MEETING:**

The meeting was called to order by Mayor Murphy at 2:11 p.m. The meeting was adjourned by Mayor Murphy at 2:53 p.m. into Closed Session on Tuesday, September 16, 2003 at 9:00 a.m. in the 12<sup>th</sup> floor conference room to discuss pending and potential litigation and Meet and Confer matters.

**ATTENDANCE DURING THE MEETING:**

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present
- Clerk-Abdelnour (er)

FILE LOCATION: MINUTES

ITEM-1: ROLL CALL

Clerk Abdelnour called the roll:

- (M) Mayor Murphy-present
- (1) Council Member Peters-present
- (2) Council Member Zucchet-present
- (3) Council Member Atkins-present
- (4) Council Member Lewis-present
- (5) Council Member Maienschein-present
- (6) Council Member Frye-present
- (7) Council Member Madaffer-present
- (8) Council Member Inzunza-present

FILE LOCATION: MINUTES

ITEM-10: INVOCATION

Invocation was given by Reverend Edward Flowers of Freewill Missionary Baptist Church.

ITEM-20: PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Council Member Maienschein.

ITEM-30: Scripps Institution of Oceanography 100<sup>th</sup> Anniversary Week.

**MAYOR MURPHY'S AND COUNCILMEMBER PETERS' RECOMMENDATION:**

Adopt the following resolution:

(R-2004-276) ADOPTED AS RESOLUTION R-298362

Recognizing Scripps Institution of Oceanography for its 100 years of exploration, discovery, and service to the world's inhabitants;

Proclaiming September 22-26, 2003 to be "Scripps Institution of Oceanography  
100<sup>th</sup> Anniversary Week" in the City of San Diego.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:15 p.m. - 2:24 p.m.)

MOTION BY PETERS TO ADOPT. Second by Mayor Murphy. Passed by the  
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-  
yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-50: Commercial Refuse Collection Hours of Operation.

(Downtown Community Area. District-2.)

**CITY COUNCIL'S RECOMMENDATION:**

Adopt the following ordinance which was introduced on 9/2/2003. (Council  
voted 9-0):

(O-2004-15) ADOPTED AS ORDINANCE O-19214 (New Series)

Amending Chapter 8, Article 5, of the San Diego Municipal Code by deleting  
Section 85.01(e), relating to Commercial Refuse Collection Hours of Operation.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO DISPENSE WITH THE READING AND  
ADOPT THE ORDINANCE. Second by Peters. Passed by the following vote:  
Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea,  
Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-60: Global Records Disposition Schedule.

(See City Clerk Report No. 03-03.)

**CITY CLERK'S RECOMMENDATION:**

Introduce the ordinance in Subitem A and adopt the resolution in Subitem B:

Subitem-A: (O-2003-150) INTRODUCE, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 29, 2003

Introduction of an Ordinance amending the San Diego Municipal Code by amending Chapter 2, Article 2, Division 26, by amending Sections 22.2604 and 22.2605, all relating to Procedures Governing the Management of the City Records.

Subitem-B: (R-2004-218) ADOPTED AS RESOLUTION R-298363

Adopting the Global Records Disposition Schedule as set forth in the City Clerk's Report Number 03-03, dated August 14, 2003, to the Honorable Mayor and City Council.

FILE LOCATION: SUBITEM A: NONE  
SUBITEM B: MEET

COUNCIL ACTION: (Time duration: 2:34 p.m. - 2:52 p.m.)

MOTION BY PETERS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B WITH THE FOLLOWING DIRECTION: 1) PROVIDE COUNCIL WITH A FULL VERSION OF THE ORDINANCE FOR REVIEW BEFORE ITS ADOPTION DATE OF SEPTEMBER 29, 2003. 2) CONSIDER MAKING IT MANDATORY THAT COUNCIL AND MAYORAL STAFF ATTEND A RECORDS RETENTION TRAINING CLASS ONCE EVERY TWO YEARS WHEN ETHICS TRAINING IS PROVIDED, DEVOTING A HALF-HOUR STRICTLY FOR RECORDS RETENTION RULES. MAYOR MURPHY SUGGESTED THAT THIS TRAINING BE CONSIDERED PART OF THE CITY CLERK'S RESPONSIBILITY. Second by Atkins. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-100: Sewer Easement Set-Aside on City-Owned Land - Sewer Pump Station 79 Improvements.

(Fairbanks Country Club Community Area. District-1.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-261)

ADOPTED AS RESOLUTION R-298364

Setting aside certain sewer easements on City-owned portions of Lots 1 and 2 of Fairbanks Country Club Unit No. 1, Map No. 10730, filed in the Office of County Recorder of San Diego County on September 29, 1983, as File No. 83-349239 of Official Records, and a new sewer easement in a portion of said Lot 2 depicted on City Engineer's Drawing No. 20078-B, for public utility purposes;

Authorizing the expenditure of an amount not to exceed \$2,000 from Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station Restoration, for staff labor and other charges related to the sewer easement set-aside.

**CITY MANAGER SUPPORTING INFORMATION:**

The City of San Diego plans to upgrade Sewer Pump Station 79 located on City-owned land northeast of the intersection of El Camino Real and San Dieguito Road in the vicinity of the Fairbanks Country Club.

This action approves necessary documentation to set-aside sewer easements on City-owned portions of Lots 1 and 2 of Fairbanks Country Club Unit No. 1, Map No. 10730, required for the Pump Station 79 Improvements Project (CIP-46-602.6). Additionally, the action authorizes funding not to exceed \$2,000 to cover staff labor charges and other miscellaneous costs related to the easement set-aside.

**FISCAL IMPACT:**

Funding in the amount of \$2,000 to cover staff labor charges and miscellaneous costs is available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation-Sewer Pump Station Restoration for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2400252.

FILE LOCATION: DEED F-9582

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-101: Palm Avenue Accelerated Sewer Project - Easement Exchange.

(Otay Mesa - Nestor Community Area. District-8.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-262) ADOPTED AS RESOLUTION R-298365

Authorizing the City Manager to execute quitclaim deeds and accept easements deeds, as necessary to complete the exchange of sewer easements depicted on City Engineers Drawing 20006-B, required for the realignment and construction of the Palm Avenue Accelerated Sewer Project;

Authorizing the expenditure of an amount not to exceed \$8,000 from Sewer Fund 41506, CIP-46-206.0, Annual Allocation-Emergency Construction, for labor and other acquisition costs related to the exchange of easements for the Palm Avenue Accelerated Sewer Project.

**CITY MANAGER SUPPORTING INFORMATION:**

The Palm Avenue Accelerated Sewer Project upgrades a section of deteriorated sewer main between Saturn Boulevard and 16<sup>th</sup> Street in the community of Nestor.

As a part of the construction project a portion of the existing sewer main crossing a property at 1674 Palm Avenue must be realigned to connect at a new location on the existing trunk sewer line serving Sewer Pump Station 9A.



This action approves an exchange of easements required to realign the pipe. The sewer easement areas being exchanged are of comparable size and value. The property rights being exchanged are at no cost to either party. However, an amount not to exceed \$8,000 is being authorized to cover staff labor and other charges related to the exchange.

**FISCAL IMPACT:**

Funding in an amount not to exceed \$8,000 to cover staff, labor charges, and other related costs is available in Sewer Fund 41506, CIP-46-206.0, Annual Allocation Emergency Construction for this purpose.

Herring/Griffith/SAC

Aud. Cert. 2400253.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-102: Sewer Pump Station 39 - Easement Acquisition.

(Peninsula Community Area. District-2.)

**CITY MANAGER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-260)

ADOPTED AS RESOLUTION R-298366

Authorizing the City Manager to accept an Easement Deed executed by the San Diego Unified Port District. Conveying to the City of San Diego a sewer easement across a portion of San Diego Unified Port District's real property, as depicted on City Engineering Drawing 19742-1-B, for the Sewer Pump Station 39 Rehabilitation Project, CIP-46-603.1;

Authorizing the expenditure of an amount not to exceed \$10,500 from Sewer Fund 41506, CIP-46-106.1, Annual Allocation - Sewer Pump Station Restorations, for staff labor and other miscellaneous charges associated with the acquisition of additional sewer easement rights required for the Sewer Pump Station 39 Rehabilitation Project, CIP-46-603.1.

**CITY MANAGER SUPPORTING INFORMATION:**

The City's Sewer Pump Station 39 Rehabilitation Project CIP-46-603.1 proposes upgrades to an existing sewer pump station on Shelter Island located within the San Diego Unified Port District Tidelands. In order to make the necessary upgrades a small amount of additional sewer easement area is required from the Port.

This action authorizes the City Manager to accept an Easement Deed from the San Diego Unified Port District for the additional easement area required to upgrade the pump station. Additionally, while there is no cost to the City for the actual property rights being acquired, an amount not to exceed \$10,500 is being requested to pay accumulated staff labor charges and miscellaneous costs associated with the acquisition.

**FISCAL IMPACT:**

Funds in the amount of \$10,500 are available in Sewer Fund 41506, CIP-46-106.0, Annual Allocation - Sewer Pump Station Restorations to cover accumulated staff labor charges and miscellaneous costs associated with the acquisition of the property rights.

Herring\Griffith\SAC

Aud. Cert. 2400249.

**FILE LOCATION:** DEED F-9584

**COUNCIL ACTION:** (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-103: Resolution in Support of The Immigration Museum of New Americans.

(See memorandum from Mayor Murphy dated 6/11/2003.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-274)                      ADOPTED AS RESOLUTION R-298367

Recognizing The Immigration Museum of New Americans importance as a priority  
in San Diego.

**RULES, FINANCE AND INTERGOVERNMENTAL RELATIONS COMMITTEE'S  
RECOMMENDATION:**

On 9/3/2003, RULES voted 5 to 0 to approve the proposed resolution. (Councilmembers Peters, Maienschein, Madaffer, Inzunza, and Mayor Murphy voted yea.)

FILE LOCATION:                      AGENDA

COUNCIL ACTION:                      (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the  
following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-  
yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-104: Second Amendment to Agreement Between the City of San Diego and San  
Dieguito River Park Joint Powers Authority.

(Districts-1 and 5.)

**COUNCILMEMBER MAIENSCHIN'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-266)                      ADOPTED AS RESOLUTION R-298368

Authorizing the City Manager to execute a Second Amendment to Joint Exercise of Powers Agreement between the County of San Diego and the Cities of Del Mar, Escondido, Poway, San Diego, and Solana Beach Creating the San Dieguito River Valley Regional Open Space Park Joint Powers Authority.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

\* ITEM-105: Declaring a Continued State of Emergency Regarding the Discharge of Raw Sewage from Tijuana, Mexico.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1434) ADOPTED AS RESOLUTION R-298369

Declaring a Continued State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico.

FILE LOCATION: GEN'L - State of Emergency regarding the discharge of raw sewage from Tijuana, Mexico

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-106: Declaring a Continued State of Emergency due to Economic Circumstances in the San Diego-Tijuana Border Region.

(District-8.)

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-119)

ADOPTED AS RESOLUTION R-298370

Declaring a Continued State of Emergency due to economic circumstances in the San Diego-Tijuana border region.

FILE LOCATION: GEN'L - State of Emergency due to economic circumstances in the San Diego-Tijuana border region

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

- \* ITEM-107: Declaring a Continued Local Health Emergency Due to the Spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV).

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2004-85)

ADOPTED AS RESOLUTION R-298371

Declaring a Continued Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency Virus (HIV) for the purpose of implementing a one-year clean needle and syringe exchange program.

**CITY MANAGER'S SUPPORTING INFORMATION:**

California Health and Safety Code section 11364.7 (effective January 1, 2000) acknowledges the public health threat posed by the sharing of needles and syringes by injection drug users.

The Code requires a local jurisdiction to declare a local emergency due to the existence of a critical local public health crisis in order to establish a clean needle and syringe exchange program. In order to permit development and implementation of a pilot clean needle and syringe exchange program, today's action continues the state of emergency first declared by the City Council on November 27, 2001.

FILE LOCATION: GEN'L - Local Health Emergency due to the spread of the Hepatitis C Virus and the Human Immunodeficiency virus (HIV)

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-nay, Frye-yea, Madaffer-nay, Inzunza-yea, Mayor Murphy-nay.

\* ITEM-108: Declaring a Continued State of Emergency due to Severe Shortage of Affordable Housing in the City.

**TODAY'S ACTION IS:**

Adopt the following resolution:

(R-2003-1428) ADOPTED AS RESOLUTION R-298372

Declaring a Continued State of Emergency Due to Severe Shortage of Affordable Housing in the City of San Diego.

FILE LOCATION: GEN'L - State of Emergency due to severe shortage of affordable housing in the City of San Diego

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-150: Two actions related to Mira Mesa FY 2004 Public Facilities Financing Plan and Facilities Benefit Assessment (FBA).

(See City Manager Report CMR-03-169; Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004 Draft. Mira Mesa Community Area. District-5.)

**TODAY'S ACTIONS ARE:**

Adopt the following resolutions:

Subitem-A: (R-2004-198) ADOPTED AS RESOLUTION R-298373

Approving the document titled "Mira Mesa Public Facilities Financing Plan and Facilities Benefit Assessment, Fiscal Year 2004, July 2003 Draft."

Subitem-B: (R-2004-199) ADOPTED AS RESOLUTION R-298374

Resolution of Intention to designate an area of benefit in Mira Mesa and setting the time and place for holding a public hearing thereon.

**LAND USE AND HOUSING COMMITTEE'S RECOMMENDATION:**

On 9/3/2003, LU&H voted 4-0 to approve the City Manager's recommendation. (Councilmembers Peters, Atkins, Lewis, and Frye voted yea. Councilmember Zucchet not present.)

FILE LOCATION: STRT FB 12-04 (33)

COUNCIL ACTION: (Time duration: 2:52 p.m. - 2:53 p.m.)

MOTION BY MAIENSCHIN TO ADOPT. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-200: Two actions related to Refunding of the 1994 San Diego Open Space Park Facilities District No. 1 Refunding Bonds.

(See City Manager Report CMR-03-180.)

**CITY MANAGER'S RECOMMENDATION:**

Introduce the ordinance in Subitem-A and adopt the resolution in Subitem-B:

Subitem-A: (O-2004-25) INTRODUCED, TO BE ADOPTED ON MONDAY,  
SEPTEMBER 29, 2003

Introduction of an Ordinance pledging certain amounts paid into the Environmental Growth Fund to Debt Service on San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2003; approving a form of Paying Agent Agreement and authorizing the appointment of a Paying Agent.

Subitem-B: (R-2004-272) ADOPTED AS RESOLUTION R-298375

Authorizing the issuance and sale of not to exceed \$36,000,000 principal amount of San Diego Open Space Park Facilities District No. 1 General Obligation Bonds Refunding Series 2003, prescribing the terms and forms of said bonds; fixing the maximum rate of interest on said bonds; authorizing the execution of said bonds; providing for the application of certain moneys pledged by the City of San Diego to pay the principal and interest thereof and the levy of tax by the District in the event that moneys pledged by the City of San Diego are insufficient therefor; prescribing the terms of sale of said bonds; Continuing Disclosure Agreement, Notice Inviting Bids, Notice of Intention to Sell Bonds, Declaration of Award and Escrow Agreement; and authorizing the execution of necessary certificates.

FILE LOCATION: Subitem A: NONE; Subitem B: OS-1, San Diego Open Space Park Facilities District No. 1 Refunding Bonds (35)

COUNCIL ACTION: (Time duration: 2:53 p.m. - 2:53 p.m.)

MOTION BY ATKINS TO INTRODUCE THE ORDINANCE IN SUBITEM A AND ADOPT THE RESOLUTION IN SUBITEM B. Second by Madaffer. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.



ITEM-250: SUBMISSION OF BALLOT PROPOSALS

City Council Policy 000-21 establishes the procedure for submittal of ballot proposals. The Council Policy states that proposals shall be submitted to the City Clerk, who then shall transmit them promptly to the Rules Committee for review and comment. The proposals must be submitted in time to allow the City Clerk to list on the Council Docket 127 days prior to the election the ballot proposals which have been referred back to Council following Rules Committee review.

Therefore, the City Clerk's Office has established the following administrative guidelines for the Tuesday, March 2, 2004 election:

<u>DAY</u>	<u>DATE</u>	<u>DAYS BEFORE ELECTION</u>	<u>EVENT</u>
Friday	9/26/2003	158	LAST DATE (10:00 a.m.) for public, departments and agencies to submit ballot proposals to City Clerk for review by Rules Committee
Wednesday	10/1/2003	153	Rules Committee review
Monday	10/27/2003	127	Council Docket (PUBLIC NOTICE) lists proposals referred by Rules Committee
Monday	11/03/2003	120	Council adopts propositions for ballot & directs City Attorney to prepare ordinances
Monday	through 11/17/2003	to 106	
Monday	11/24/2003	99	Council adopts ordinances prepared by City Attorney
Friday	12/05/2003	88	Last day for City Clerk to file with Registrar of Voters <u>all</u> elections material
Thursday	12/18/2003	75	Last day to file ballot arguments with City Clerk.

If you have any questions, please contact the Office of the City Clerk, 533-4025.

(See memorandums from Councilmember Peters dated 6/30/2003 and 9/4/2003 with resumes attached.)

Adopt the following resolution:

Council confirmation of the following appointments and reappointments by the Mayor to serve as members of the La Jolla Shores Planned District Advisory Board, for terms to expire as indicated:

Term Ending

4/01/2005

4/01/2004

4/01/2005

## John Hucko

4/01/2004

Gail Forbes

4/01/2004

Marvin Cohen

4/01/2004

Fred Borrelli

4/01/2005

**COUNCIL ACTION:** (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

ITEM-S401: Conference with Real Property Negotiator, pursuant to California Government Code Section 54956.8:

Property: Qualcomm Stadium

Agency Negotiators: Assistant City Attorney Leslie J. Girard, Deputy City Manager Bruce Herring, Paul Jacobs, Esq., Daniel S. Barrett, and Robert J. Kheel.

Negotiating Parties: City of San Diego and the San Diego Chargers

Under Negotiation: Real Property Interests at the Qualcomm Stadium site pursuant to the recommendations of the Citizens Task Force on Chargers Issues, and pursuant to the terms of Paragraph 31 of the 1995 Agreement for the Partial Use and Occupancy of Qualcomm Stadium.

Prior to Council discussion in Closed Session, and in compliance with the Brown Act, (California Government Code Section 54956.8) this item is listed on the docket only for public testimony.

**There is no Council discussion of this item. The City Council's actions are:**

1) Open the Public Hearing and accept testimony from any members of the public wishing to address the Council on this subject; 2) Conclude and close the public hearing; and 3) Refer the matter to Closed Session.

**NOTE:** Members of the public wishing to address the Council on this item should speak "in favor" or "in opposition" to the subject.

**Mayor Murphy closed the hearing and referred the matter to Closed Session.**

FILE LOCATION: MEET (61)

COUNCIL ACTION: (Time duration: 2:52 p.m. - 2:52 p.m.)

ITEM-S402: Medal of Honor Recipients.

**COUNCILMEMBER FRYE'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-311)

RETURNED TO COUNCIL DISTRICT 6

Recognizing Sando M. Vargas Jr., Colonel, United States Marine Corps, who received his Medal of Honor for heroic action at Dai Do, Republic of Vietnam, during the period of April 30, 1968 to May 2, 1968;

Proclaiming September 15, 2003, to be "Medal of Honor Recipients Day" in the City of San Diego.

FILE LOCATION: MEET

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:25 p.m.)

\* ITEM-S403: National POW/MIA Day.

**COUNCILMEMBER MADAFFER'S RECOMMENDATION:**

Adopt the following resolution:

(R-2004-287)

ADOPTED AS RESOLUTION R-298377

Proclaiming September 19, 2003 as "POW/MIA Day" to honor those military men and women who have returned and to ensure that those who are missing are not forgotten;

Declaring that the POW/MIA flag will fly over the City Administration Building on September 19, 2003, in tribute of Scott Speicher and all military men and women who have returned and to those who are missing.

FILE LOCATION: AGENDA

COUNCIL ACTION: (Time duration: 2:25 p.m. - 2:34 p.m.)

CONSENT MOTION BY MADAFFER TO ADOPT. Second by Peters. Passed by the following vote: Peters-yea, Zucchet-yea, Atkins-yea, Lewis-yea, Maienschein-yea, Frye-yea, Madaffer-yea, Inzunza-yea, Mayor Murphy-yea.

**NON-DOCKET ITEMS:**

None.

**ADJOURNMENT:**

The meeting was adjourned by Mayor Murphy at 2:53 p.m.

FILE LOCATION: MINUTES

COUNCIL ACTION: (Time duration: 2:53 p.m.)